

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 28, 2006

Tuesday, 9:40 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

The Minutes of the March 21, 2006 meeting were approved 7 to 0.

CONSENT AGENDA

Council Member Skelton Council Member Skelton requested to pull item 9.

Council Member Fearey Council Member Fearey requested to pull item 8 so that she can abstain from voting.

Motion-- Mayans moved that the Consent Agenda be approved excluding items 8 and 9. Motion  
--carried carried 7 to 0.

**BOARD OF BIDS****REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 27, 2006.**

Bids were opened March 24, 2006, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Water Distribution System to serve Reed's Cove 4th Addition - south of 21st Street North, east of 127th Street East. (448-90173/735307/470978) Does not affect existing traffic. (District II)

WBW Contractors - \$32,926.00

Storm Water Drain #275 to serve Falcon Falls Addition - north of 45th Street North, west of Hillside. (468-84067/751412/485303) Does not affect existing traffic. (District I)

Mies Construction - \$886,717.54

2006 Contract Maintenance Asphalt Street Repairs and Slurry Seal - west of Webb Road, south of 37th Street North. (472-84377/132719/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,IV,V)

Beachner Construction - \$657,599.70 (Engineer's Estimate)

Storm Water Drain #278 to serve Auburn Hills 16th Addition - south of Maple, east of 151st Street West. (468-84092/751418/485309) Does not affect existing traffic. (District V)

Mies Construction - \$521,702.35

Motion-- Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest  
--carried and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 28, 2006

PAGE 394

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Trailer Mounted Pressure Applicator.

Paving Maintenance Supply Inc. - \$77,298.00 (Total Net Bid)

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Mobile Hydraulic Hammer Pavement Breaker.

Logan Contractors Supply -\$65,935.00 (Group 1 Base Bid)  
\$ 7,155.00 (Group 1/Option 1)  
\$73,090.00 (Total)

POLICE DEPARTMENT/INVESTIGATIONS DIVISION: Herman Miller Systems Office Furniture/R600600, Sixth Floor.

John A. Marshall\* - \$206,284.92 (Per State of Kansas Contract #30880).

\*Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements - Ordinance No. 38-122 Section 2.64.020 (j).

Motion--  
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

**CMB**

## **APPLICATIONS FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES:**

<u>Renewal</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Diana Wilson	Tri-Bee's Express	7115 West 13th Street North.

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--  
--carried

Mayans moved that the license be approved subject to Staff review and approval. Motion carried 7 to 0.

**PRELIM. ESTS.**

## **PRELIMINARY ESTIMATES:**

- Lateral 2, Main 18 FMCS to serve Casa Bella Addition - north of Pawnee, west of 127th Street West. (468-84072/744165/480853) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$204,580.00
- 2006 Contract Maintenance Asphalt Hot-in-Place Repaving - west of Woodlawn, south of 29th Street North. (472-84371/132719/) Traffic to be maintained during construction using flagpersons and barricades. (Districts IV, V) - \$441,199.95
- Lateral 6, Main 14 Four Mile Creek Sewer to serve Reed's Cove 4th Addition - east of 127th Street East, south of 21st Street North. (468-84153/744176/480864) Does not affect existing traffic. (District II) - \$160,000.00

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 28, 2006

PAGE 395

## RAINBOW LAKES

### **CONSTRUCT A SANITARY SEWER FOR LOTS 1-11, BLOCK 2, RAINBOW LAKES WEST ADDITION, SOUTH OF CENTRAL, EAST OF 135TH STREET WEST. (DISTRICT V)**

Agenda Report No. 06-0316

The Petition has been signed by eighteen owners representing 100% of the improvement district.

The project will serve an existing residential area located south of Central, east of 135th St. West. The area is currently served by private septic tank systems.

The Petition totals \$163,700. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--  
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

#### RESOLUTION NO. 06-154

Resolution of findings of advisability and resolution authorizing construction of Lateral 39, Main 1, Cowskin Interceptor Sewer (South of Central, east of 135<sup>th</sup> Street West) 468-84168, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## FALCON FALLS

### **CONSTRUCT A STORM WATER DRAIN FOR FALCON FALLS SECOND, THIRD AND COMMERCIAL ADDITIONS, NORTH OF 45TH STREET NORTH, WEST OF HILLSIDE. (DISTRICT I)**

Agenda Report No. 06-0317

On August 16, 2005, the City Council approved a Petition to construct a Storm Water Drain for Falcon Falls 2nd, 3rd and Commercial Additions. An attempt to award a contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve new residential and commercial developments located north of 45th St. North, west of Hillside.

The existing Petition totals \$724,000. The new Petition totals \$1,024,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--  
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

#### RESOLUTION NO. 06-155

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 275 (north of 45<sup>th</sup> Street North, west of Hillside) 468-84067, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 28, 2006

PAGE 396

## **STREET CLOSURES     CONSIDERATION OF STREET CLOSURES/USES.**

There were no street closures to consider.

## **EXPENSE REPORT     SENIOR MANAGEMENT EXPENSE REPORT FOR THE MONTH OF FEBRUARY 2006.**

Motion--carried     Mayans moved that the file be received. Motion carried 7 to 0.

## **PROPERTY ACQ.     ACQUISITION OF VACANT LAND FOR RIGHT-OF-WAY IN 11,000 BLOCK OF WEST 29TH STREET NORTH FOR ROADWAY PROJECT. (DISTRICT V)**

Agenda Report No. 06-0318

On March 8, 2005, the City Council approved the reconstruction of 29th Street North between Maize Road and 119th Street. The project consists of an upgrade from a two-lane roadway to a four-lane roadway with landscaped medians and left turn lanes into adjoining residential neighborhoods. A new storm water sewer system will be installed to eliminate ditches along the roadway. The project requires the partial acquisition of several tracts of land for right-of-way purposes.

The project requires the acquisition of a 39,693.64 square foot strip along the existing road-right-of-way of the parcel located on the north side of the road in the 11,000 Block of West 29th Street North. The land was valued at \$40,000.00. This amount was offered to the property owner and accepted.

A budget of \$41,500 is requested for the acquisition. This amount includes \$40,000 for the acquisition and \$1,500 for closing costs and title insurance. The funding source is General Obligations Bonds and Federal Grants administrated by the Kansas Department of Transportation.

The Law Department has approved the contact as to form.

Motion--  
--carried     Mayans moved that the budget and Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **PROPERTY ACQ.     ACQUISITION OF VACANT LAND FOR RIGHT-OF-WAY IN 12,000 BLOCK OF WEST 29TH STREET NORTH FOR ROADWAY PROJECT. (DISTRICT V)**

Agenda Report No. 06-0319

On March 8, 2005, the City Council approved the reconstruction of 29th Street North between Maize Road and 119th Street. The project consists of an upgrade from a two-lane roadway to a four-lane roadway with landscaped medians and left turn lanes into adjoining residential neighborhoods. A new storm water sewer system will be installed to eliminate ditches along the roadway. The project requires the partial acquisition of several tracts of land for right-of-way purposes.

The project requires the acquisition of a 41,670.27 square foot strip along the existing road-right-of-way of the parcel located at the southwest corner of West 29th Street and North 119th Street. The land was valued at \$41,675.00. This amount was offered to the property owner and accepted.

A budget of \$43,175 is requested for the acquisition. This amount includes \$41,675 for the acquisition and \$1,500 for closing costs and title insurance. The funding source is General Obligations Bonds and Federal Grants administrated by the Kansas Department of Transportation.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 28, 2006

PAGE 397

The Law Department has approved the contact as to form.

Motion--  
--carried

Mayans moved that the budget and Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

## PROPERTY ACQ.

### **ACQUISITION OF THREE PARCELS FOR THE BICYCLE/PEDESTRIAN PATH ALONG GYPSUM CREEK AND GEORGE WASHINGTON BOULEVARD. (DISTRICT III)**

Agenda Report No. 06-0320

April 5, 2005, the City Council approved the construction of a bicycle/pedestrian path along I-135, Gypsum Creek and George Washington Boulevard, from north of Pawnee to the Kansas Turnpike. The path is almost three miles and consists of a ten-foot wide, asphalt-paved path with approximately 3,000 feet of fencing, signage and landscaping. The project requires the acquisition of several tracts of land. Three of the required parcels are corner clips off of the back of residential lots.

The project requires the acquisition of three irregular shaped parcels located at 2769, 2777 South Vassar and 2748 south Holyoke. These tracts are held by the same owner. From the three parcels it is necessary to acquire a total of 4,692 square feet. The takings were valued at \$4,700.00. This amount was offered to the property owner and accepted.

A budget of \$6,200 is requested. This amount includes \$4,700 for the acquisition and \$1,500 for closing costs and title insurance. The funding source is approximately seventy percent Federal Grants administered by the Kansas Department of Transportation and approximately thirty percent City of Wichita General Obligation Bonds.

The Law Department has approved the contact as to form.

Motion--  
--carried

Mayans moved that the budget and Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

## PROPERTY ACQ.

### **ACQUISITION OF LAND IN THE 3100 BLOCK OF EAST SOUTH FORK COURT FOR THE BICYCLE/PEDESTRIAN PATH, ALONG GYPSUM CREEK AND GEORGE WASHINGTON BOULEVARD. (DISTRICT III)**

Agenda Report No. 06-0321

April 5, 2005, the City Council approved the construction of a bicycle/pedestrian path along I-135, Gypsum Creek and George Washington Boulevard, from north of Pawnee to the Kansas Turnpike. The path is almost three miles and consists of a ten-foot wide, asphalt-paved path with approximately 3,000 feet of fencing, signage and landscaping. The project requires the acquisition of several tracts of land. One of the required parcels is a corner clip off of the back of an undeveloped residential lot.

The project requires the acquisition of an irregular shaped, 956 square foot tract in the southeast portion of the vacant lot located in the 3100 Block of East South Fork Court. The taking was valued at \$1,000.00. This amount was offered to the property owner and accepted.

A budget of \$2,000 is requested. This amount includes \$1,000 for the acquisition and \$1,000 for closing costs and title insurance. The funding source is approximately seventy percent Federal Grants administered by the Kansas Department of Transportation and approximately thirty percent City of Wichita General Obligation Bonds.

The Law Department has approved the contact as to form.

Motion--  
--carried

Mayans moved that the budget and Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 28, 2006

PAGE 398

## PROPERTY ACQ.

### **ACQUISITION OF SANITARY WATER SEWER AND UTILITY EASEMENT IN 7700 BLOCK OF WEST 37TH STREET NORTH FOR ROADWAY PROJECT. (DISTRICT V)**

Agenda Report No. 06-0322

On March 8, 2005, the City Council approved the reconstruction of 37th Street North between Tyler Road and Ridge Road. The project consists of an upgrade from a two-lane roadway to a four-lane roadway with landscaped medians and left turn lanes at intersecting side streets. The bridge will also be replaced with a four-lane structure. The project requires the partial acquisition of several tracts of land for right-of-way purposes.

The project requires the acquisition of a 5,709 square foot strip of land for a sanitary water sewer system easement and utility easement along the south side of the existing road right-of-way line. A 12,008.7 square foot temporary construction easement at the bridge site and along the sanitary water sewer/utility easement is also required. The owner has offered to donate the easements to the City.

A budget of \$1,000 is requested for the acquisition. This amount is to pay for the closing costs and title insurance. The funding source is General Obligations Bonds and Federal Grants administered by the Kansas Department of Transportation.

The Law Department has approved the easement as to form.

Motion--carried

Mayans moved that the budget be approved and the Donation accepted. Motion carried 7 to 0.

(Item 8)

## WICHITA CLINIC

### **CITY OF WICHITA TAXABLE INDUSTRIAL REVENUE BONDS, SERIES IV, 2005, WICHITA CLINIC PROJECT. (DISTRICT VI)**

Agenda Report No. 06-0323

In 2005, the City of Wichita issued \$16,229,000 in Taxable Industrial Revenue Bonds, the proceeds of which were used to acquire, construct and equip a medical office building, ambulatory surgical center and imaging facility in the City, for lease to Integrated Healthcare Systems, Inc. (the "Tenant"). As part of the security for repayment of the Bonds, all of the financed facilities were subjected to the lien of the trust indenture, and to certain restrictions on encumbrances, easements and similar interests. However, under the terms of the Lease, property not financed with Bond proceeds is generally not deemed part of the Project, and it is possible for the City to consent to certain encumbrances, easements or similar interests under certain conditions, at the request of the Tenant. In connection with the financing of some MRI equipment, through Siemens Medical Solutions USA, Inc. ("Siemens"), the Tenant has requested the City to approve and execute Siemens's standard Consent & Waiver by Owner, Landlord or Mortgagee of Real Estate (the "Consent & Waiver").

The main purpose of the Consent & Waiver is to document the City's acknowledgment of Siemens's property rights in the equipment, and the City's agreement that it claims no rights to the equipment. The Consent & Waiver also recognizes the continuing right of Siemens to have (and if need be, market) the equipment on the real estate. This could create potential inconvenience for the Bondholder if both the bonds and equipment lease were to default, as it could be difficult to market the facility until Siemens successfully sold and removed its equipment. However, the Bondholder, INTRUST Bank, is aware of the equipment lease and has indicated it does not object to the City granting consent thereto. Further, the Tenant has certified that the Consent & Waiver will not be detrimental to the proper conduct of the Tenant's business in any manner or degree, will not impair the effective use or interfere with the efficient and economical operation of the bond-financed facility, and will not materially adversely affect the security pledged to the payment of the Bonds.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 28, 2006

PAGE 399

The Consent & Waiver requested by the Tenant should further the Tenant's operations on the Project property, and should have no significant adverse impact on the security for the outstanding Bonds.

The City Attorney's Office has drafted an appropriate Resolution for Council action, and the Tenant has furnished the Consent & Waiver for review and approval, together with an appropriate certificate as to matters required to be certified by the Tenant. The City Attorney's Office has reviewed and approved the Consent & Waiver as to form.

Motion--  
--carried

Mayans moved that the Resolution approving and authorizing the execution and delivery of the Consent & Waiver as requested by the Tenant be adopted. Motion carried 6 to 0, (Fearey abstained due to conflict of interest).

## RESOLUTION NO. 06-156

A Resolution authorizing the execution and delivery of a consent and waiver pertaining to a lease of MRI Equipment for use at Integrated Healthcare Systems, Inc.'s Bond-financed properties, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer Gray, Martz, Schlapp, Skelton, and Mayans; (Fearey abstained due to conflict of interest).

(Item 9)  
**EATON PLACE**

### **EATON PLACE REPAYMENTS.**

Agenda Report No. 06-0324

In 2001, the City of Wichita completed the Eaton Place project. The Eaton Place project was a \$15.3 million dollar public-private partnership between the City and MetroPlains Development, LLC, a Minneapolis, Minnesota based developer. The intent of the project was to restore the last complete historic block on Douglas Avenue and produce 115 units of mixed income apartments and 30,000 square feet of commercial space on the first floor. The development achieved the community goals of saving the historic Eaton Block and added substantial new residential development in downtown Wichita. The residential component has been relatively successful, but the commercial space has substantial debt that is not being covered by rental income due to a large amount of vacant space and lower rental rates.

The City of Wichita provided a total of \$1,174,000 in CDBG grants and loans and \$1,695,000 in HOME grants and loans for the Eaton Place project. Of these amounts, the City of Wichita provided a total of \$960,000 in CDBG and HOME funds in the form of loans for the residential portion of the project to fill an equity gap rather than downsize the scope of the project. These City loans are structured as debt on the residential component and are subordinate to the industrial revenue bonds and equity. The loans were approved November 3, 1999 and December 22, 1999 and were issued on September 15, 2000. The loans have a 5% interest rate and are payable from excess cash flow from the project. Any unpaid principal or interest is due upon sale of the property. The loans are secured by a mortgage and security agreement on the residential property. The residential loans were originally projected to pay off starting in 2029, taking several years thereafter to be fully paid. Any principal and interest repayments for the CDBG and HOME loans are program income and must be returned to the City of Wichita's CDBG and HOME programs.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 28, 2006

PAGE 400

In addition, for the commercial portion of the project, the City entered into a Lender Support Agreement with Bank of America (first mortgage holder) on May 4, 2000 to pay any shortfall in debt service for the commercial first mortgage. The City's obligation is capped at not more than \$165,000 per year for 7 years from the date of the term loan (2008), or not more than \$1,155,000 in total. To date, the City has paid Bank of America \$470,089 in Lender Support payments. The maximum additional liability of the City under the Lender Support Agreement is estimated at \$684,911. The Lender Support Agreement requires MetroPlains, LLC repay any amounts paid by the City under the Lender Support Agreement. MetroPlains Development, LLC has a one-time opportunity to buy out the investment of the limited partner, U.S. Bank, for the residential portion and the commercial first mortgage loan with Bank of America and replace them with private equity capital. MetroPlains cannot raise the replacement equity capital with the current City loans and City Lender Support payments outstanding. MetroPlains claims that it will not receive any payments under the refinancing.

MetroPlains Development, LLC proposes to end the City's Lender Support payments to Bank of America by refinancing the commercial first mortgage and pay the City an amount that equals the present value of the amounts previously paid under the Lender Support Agreement (\$470,089) and the CDBG/ HOME loans \$960,000 plus interest.

After several rounds of negotiations, the City and MetroPlains have agreed to the following repayment terms:

City keeps tax rebate check of \$13,160

City receives present value of the CDBG and HOME loans with interest and the amounts paid by the City under the Lender Support agreement at 4% compounded yearly. The loans, payments and interest is as follows:

CDBG Loan	\$750,000.00
HOME Loan	\$210,000.00
Interest on CDBG and HOME Loans	\$256,150.63
Payments under the Lender Support Agreement	\$470,089.81
Total	\$1,686,240.44

Present Value Payment to the City	\$427,319.41
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The present value of \$427,319.41 will be disbursed as follows: CDBG-\$238,871.55; HOME-\$69,225.74 and \$119,222.12 to the Self-Insurance Fund. There is no profit sharing with the City if Eaton Place is not sold. MetroPlains would end City Lender Support payments to Bank of America by refinancing the commercial first mortgage.

If Eaton Place property is sold during the next five years, City receives the following additional payment:

Year 1-100%	\$1,200,000
Year 2-100%	\$1,200,000
Year 3-75%	\$ 900,000
Year 4-50%	\$ 600,000
Year 5-33%	\$ 400,000



# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 28, 2006

PAGE 401

HUD has confirmed the City Council may accept the present value repayment for the CDBG and HOME loans, however the 26 HOME affordable rental units must continue to remain affordable for balance of the HOME affordability which is 16 years. The full HOME affordability standard is 20 years. If the units do not remain affordable for the remaining 16 years, the City is liable for payment of the face value of the \$210,000 HOME loan and the \$1,485,000 HOME grant to HUD from non-HUD sources.

The original HOME funding agreement and the formal deed restrictions/compliance agreement contain a requirement for MetroPlains to meet the HOME affordability standards. These 26 affordable units also carry a 30-year affordability (federal and state) requirement under State Housing Tax Credit program.

The Loan Prepayment and Termination Agreement, Lender Support Termination Agreement, and the Pledge of Partnership Interests Agreement, Home Regulatory Agreement forms have been approved as to form by the City Attorney's office. HOME restrictive covenants on the affordable units will remain in place until the full 20 year HOME affordability term expires. A separate UCC Financing statement shall be filed to perfect the City's security interest.

- Council Member Skelton Council Member Skelton stated that he has some concerns regarding the financial considerations and that this item would be better served on the regular City Council Agenda so that there can be discussion and that he would like to defer this item until the next regular City Council Meeting.
- Council Member Fearey Council Member Fearey stated that she does not understand why this item should be deferred and that the Council had discussed it in executive session.
- Council Member Skelton Council Member Skelton stated that he had spoken to Mary K. Vaughn this morning and she has concerns and that he would like more clarification. Stated that it would also give staff time to answer questions and be up for public discussion. Stated that he is not sure if this item should even be considered on the consent agenda and would like to make a motion to defer the item until the next regular meeting. Stated that if he cannot get the votes for a deferral then he will be voting no today.
- Mayor Mayans Mayor Mayans stated that he was not planning on a deferral but can understand Council Member Skelton's concerns. Stated that this item was discussed three different times in executive session and by that alone, shows that this is not a minor item. Stated that this item should not have been placed on the consent agenda and that the City Council has granted deferrals in the past.
- Council Member Brewer Council Member Brewer stated that there have been numerous meetings on this issue and is not sure what Council Member Skelton's concerns are and that they should have been brought up before today.
- Mary K. Vaughn Director of Housing and Community Service stated that she has concerns with maintaining the affordability of the 26 units.
- Mayor Mayans Mayor Mayans stated that there are several issues here and that one issue is the process regarding the consent agenda and that he never agreed to have this item placed on the consent agenda. Stated that getting more data and information to any Council Member that feels that they are not ready is another issue along with the issue of courtesy. Stated that he does not see any reason not to defer this item.
- Council Member Martz Council Member Martz stated that consent agenda items with contention should be deferred and not discussed.
- Council Member Gray Council Member Gray stated that there needs to be a formal procedure regarding discussions established and that a formal policy needs to be created.
- Motion--carried Skelton moved to defer the item until the next regular City Council Meeting. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 28, 2006

PAGE 402

## TRAINING GRNDS. FACILITY IMPROVEMENTS AT FIRE TRAINING GROUNDS.

Agenda Report No. 06-0325

The original facility constructed in 1965, consisted of steel and concrete burn buildings for simulating actual firefighting activities as follows:

- § A two-story masonry structure for simulating search and rescue activities
- § A five story open steel tower for simulating firefighting and rescue activities from an upper floor
- § An 800 ft2 building for classroom, and minor maintenance of specialty equipment (self contained breathing apparatus and nozzles)
- § Approximately 80,000 ft2 of concrete surface for driver and apparatus training
- § A pump test pit for performing annual testing of fire pumps on all major apparatus.

Since its origination, there have been two significant improvements made to the facility. In 1969 another 47,500 ft2 of concrete flatwork was added to support improved driver training activities, and in 1987 a classroom was added to the building, which provided a total of 1600 ft2 of space.

In the mid to late 80's efforts to market the property were explored. In 1990 the live fire building and the two-story rescue building were demolished. The training tower is beyond repair and structurally unsafe, therefore, the Fire Department took it out of service in the fall of 2004.

No significant improvements have been made to the facility in over 20 years. As a result the facility is in poor condition.

Approximately 60% (78,000 ft2) of the concrete flatwork is cracked, broken, and/or chipped, exposing structural rebar. Staff is therefore advising that 78,000 ft2 of concrete be torn out and replaced. This will permit the Department to continue providing driver training.

A second test pit needs to be built to accommodate the larger fire pumps. The fire pumps on the apparatus are tested on an annual basis to certify they meet national certification criteria. The size of new pumps moves the water within the test pit so rapidly that it heats up the water to an undesirable temperature directly impacting the performance of the pump. A second pit would provide sufficient amount of water to preclude this from happening.

The existing condemned tower needs to be demolished and a new pre-engineered 5 story burn tower be erected in its place. The new burn tower would allow fire fighting / rescue training to resume per the NFPA Standards.

In addition to the renovated facility, a two bay apparatus storage facility will be constructed. The current storage facility is not capable of accommodating the newer and larger apparatus and a savings could be realized if a facility was built in conjunction with the Tower and Burn Building.

Funding for the project is budgeted in the 2006 Capital Improvement Program and \$750,000 for concrete repair, and \$950,000 for replacing the burn tower for a combined total of \$1.7 million. This funding will cover design, construction, and construction administration of the project. Funding is provided by General Obligation Bonds (Project No. 435419; OCA No. 792487)

The Law Department has approved the Bonding Resolution as to form.

Motion--  
--carried

Mayans moved that the Resolution be adopted; initiation of the project authorized; staff authorized to select a design consultant and the necessary signatures authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 28, 2006

PAGE 403

## RESOLUTION NO. 06-157

A Resolution determining the advisability of making certain public improvements in the City of Wichita, Kansas, setting forth the general nature and the estimated cost of such improvements; and authorizing the issuance of bonds of the City of Wichita, Kansas, to pay all or a portion of the cost thereof, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

### 2006 COVENTRY

#### 2006 COVENTRY HEALTH CARE GROUP POLICY.

Agenda Report No. 06-0326

Coventry Health of Kansas Inc. has submitted an Addendum to the Group Health Insurance Policy Agreement and a revised Rate Addendum reflecting the 2006 health insurance premium rates agreed to by the City.

The Coventry Health Insurance Group Policy Addendum adds more detailed terms to be incorporated into the contract previously approved by the City Council in 2005. The Rate Addendum contains the 2006 premium rates previously approved by the City Council.

The Group Policy Rate Addendum formalizes the total monthly premiums of \$916.16/single and \$306.42/family (including Vision Services), which is the rate previously approved by the City Council.

The Department of Law has reviewed and approved as to form the 2006 Coventry Health Care Group Policy Addendum and the Rate Addendum.

Motion--  
--carried

Mayans moved that the 2006 Coventry Health Care Group Policy Addendum and Rate Addendum be approved and the necessary signatures authorized. Motion carried 7 to 0.

### JOBS VANS

#### PURCHASE OF ACCESS TO JOBS VANS.

Agenda Report No. 06-0327

Using 50% FTA funds and 50% non-profit agencies' funds, Wichita Transit will purchase a passenger van for the Access to Jobs Program. This van will then be leased by the non-profit agency, which pays for half of the purchase price of the van. The Access to Jobs Van lease program will not cost the City any funding. In case the non-profit cancels their lease, the van will already be paid for and the van will return to the City. All operating costs incurred by the agency will be paid by the agency. Wichita Transit expects to complete the van purchase by May 30, 2006. The van will be used by the agency to provide rides to and from work for low-income individuals.

KDOT selected Mid America Coach of KS City, MO to supply the Ford Eclipse. Wichita Transit is qualified to purchase a van at the bid price. The van will be leased by Goodwill Industries, Easter Seals of KS, Inc.

The Access to Jobs van will be purchased with grants from FTA (50%) and Goodwill Industries, Easter Seals of KS, Inc. (50%). The cost of the Eclipse is \$29,898.00.

City of Wichita Purchasing Ordinance No. 38-122 Section 2.64(J) provides for purchase of supplies, services and equipment from contracts and agreements of other governmental entities, which have been awarded, subject to public bidding and approved by the proper governmental entity. Lease agreement was drafted by the Legal Department.

Motion--  
--carried

Mayans moved that the purchase be approved and the necessary signatures authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 28, 2006

PAGE 404

## RUNOFF STUDY

### COST-SHARE ON STUDY FOR RUNOFF, MEMORANDUM OF UNDERSTANDING.

Agenda Report No. 06-0328

During the past few years, there has been significant interest about the impact of directing surface water runoff into groundwater pits. In 2005, the state legislature mandated a study to determine the impacts of storm water runoff into groundwater pits; however, the legislature provided no funding for the study.

Groundwater pits are created when sand and gravel is mined from the earth, and the depth of the mining goes below the levels of groundwater. Groundwater then fills the space created by the mining. Regulations require untreated surface water runoff to be directed away from the pits, due to concerns that the surface water may contain pollutants that would contaminate the groundwater. The regulations especially impact residential developments adjacent to groundwater pits.

The U.S. Geological Survey is prepared to do a study to help determine whether surface water pollutants actually cause groundwater contamination. The Memorandum of Understanding (MOU) would commit the City to participate in the study, along with the Kansas Department of Agriculture, the Kansas Water Office, Sedgwick County, the Equus Beds Groundwater Management District, the Kansas Department of Health and Environment and the Wichita Area Builder's Association. This phase of the study will last one year. It is hoped that additional phases will be done, with most of the funding coming from the state. Results of the study will be used to determine if current regulations are adequate to protect groundwater from pollution, or if they are too restrictive.

The cost for the study is \$123,000 with the contribution from the City being limited to \$10,000. Funding for the City's share of the costs is available in CIP W-549, Water Supply Projects.

The MOU has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the MOU be approved and the necessary signatures authorized. Motion carried 7 to 0.

## CROSS LOT ACCESS

### AMENDMENT TO CROSS LOT ACCESS AGREEMENT - CENTRAL & HILLSIDE. (DISTRICT II)

Agenda Report No. 06-0329

In connection with the development of the southeast corner of Hillside and Central in 2002, the City agreed with the developer to permit cross lot access over the entire development, including parcels owned by the City. This Agreement was entered into in June 2002.

The developer wishes to construct a parking lot to serve employees of Wesley Hospital that will be a restricted access lot through the use of electronic gates at the entrances and exits. The developer is requesting the City to consent to this arrangement by agreeing to permit this restriction on Lot 4 of the development and to amend the existing Cross Lot Access and Easement Agreement by removing Lot 4 from the property covered by that Agreement.

The Law Department has approved the First Amendment to Cross Lot Access and Easement Agreement s to form.

Motion--  
--carried

Mayans moved that the First Amendment to Cross Lot Access and Easement Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 28, 2006

PAGE 405

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ MARCH 21, 2006).

a) Nuisance abatement assessments:

ORDINANCE NO. 46-991

1. An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-992

2. An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

b) Ridge and Maple Intersection improvement. (District V)

ORDINANCE NO. 46-993

An Ordinance amending Ordinance No. 46-652 of the City of Wichita, Kansas declaring the Intersection of Ridge at Maple (472-84258) to be a main trafficway Within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

c) City/County - improve 21st Street, between k-96 Expressway and 159th Street East.  
(District II)

ORDINANCE NO. 46-994

An Ordinance declaring 21st Street North, between the K-96 Expressway and 159th Street east (472-84394) to be a main trafficway Within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

d) Speed limit - amend Section 11.96.010.

ORDINANCE NO. 46-995

An Ordinance amending Section 11.96 of the Code of the City of Wichita, Kansas, pertaining o speed limits, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 1. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 28, 2006

PAGE 406

- e) ZON2006-00001 - located south of West Central and east of Boyd. (District V)

## ORDINANCE NO. 46-996

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (ZON 2006-00001)

- f) PUD2005-06 #22 - generally located south of 11th Street, between Emporia and St. Francis. (District VI)

## ORDINANCE NO. 46-997

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (PUD2005-06 #22)

- g) ZON2005-00053 - generally located midway between Kellogg Street and Interstate Highway-35 (KTA), west of Greenwich Road. (District II)

## ORDINANCE NO. 46-998

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (ZON 2005-00053)

- h) ZON2005-00057 - generally located south of 21st Street North and west of Cranbrook. (District II)

## ORDINANCE NO. 46-999

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (ZON 2005-00057)

- j) ZON2006-00003 - generally located southeast of 8th Street and Gilda. (District V)

## ORDINANCE NO. 47-001

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (ZON 2006-00003)

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 28, 2006

PAGE 407

- k) ZON 2005-32 - located on the northwest corner of 29th Street North and Greenwich Road.  
(District II)

## ORDINANCE NO. 47-002

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (ZON 2005-32)

- l) A06-08 - generally located northwest of the intersection at Greenwich Road and 29th Street North. (District II)

## ORDINANCE NO. 47-003

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (A06-08)

## PLANNING AGENDA.

Motion--  
--carried

Mayans moved that Planning Consent items 16 to 23 be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

## **SUB2005-154**

### **SUB2005-154-REPLAT OF RICH'S ADDITION, LOCATED NORTH OF 13TH STREET NORTH AND EAST OF HOOD. (District VI)**

Agenda Report No. 06-0330

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of two lots on .42 acres, is a replat of a portion of Rich's Addition. This replat also includes the vacation of 15th Street and a portion of Ferrell Street. The site has been approved for a Conditional Use (CON 2005-30) for a major utility to construct a sanitary sewer lift station.

Municipal services are available to serve the site. A Restrictive Covenant was submitted to provide for the ownership and maintenance of the reserves being platted for drainage purposes. The City of Wichita has an interest in this property's ownership and is shown as one of the site's plattors.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Restrictive Covenant will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents and plat be approved and the necessary signatures for both approval of the plat and as to the City's ownership interest authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 28, 2006

PAGE 408

SUB2005-127

**SUB2005-127-PLAT OF WEINGARTNER ADDITION, LOCATED WEST OF HYDRAULIC AND NORTH OF 63RD STREET SOUTH. (DISTRICT III)**

Agenda Report No. 06-0331

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

This site, consisting of one lot on 1.87 acres, is located within Wichita's city limits and is zoned SF-5, Single-family Residential District.

Municipal water services are available to serve this site. A Petition, 100 percent, and a Certificate of Petition were submitted to guarantee the extension of future sanitary sewer main and lateral improvements. The site has been approved by the Department of Environmental Services for the use of on-site sanitary sewer facilities.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petition will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the document and plat be approved; the necessary signatures authorized and the Resolution adopted. Motion carried 7 to 0.

**RESOLUTION NO. 06-158**

Resolution of findings of advisability and resolution authorizing construction of Lateral 512, Southwest Interceptor Sewer (west of Hydraulic, north of 63<sup>rd</sup> Street South) 468-84169, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

DED2006-06

**DED2006-06-DEDICATION OF A UTILITY EASEMENT, LOCATED NORTH OF 29TH STREET NORTH AND EAST OF HOOD. (DISTRICT VI)**

Agenda Report No. 06-0332

Staff Recommendation: Accept the Dedication.

This Dedication is associated with a lot split case (SUB 2006-13). The Dedication is for construction and maintenance of public utilities.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.



# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 28, 2006

PAGE 409

**STREET IMPROV.      STREET IMPROVEMENT AGREEMENT ASSOCIATED WITH A LOT SPLIT CASE, LOCATED EAST OF MERIDIAN AND NORTH OF HARRY. (DISTRICT IV)**

Agenda Report No. 06-0333

Staff Recommendation: Approve the Agreement.

This Agreement is associated with Lot Split Case No. SUB 2006-11 (Lots 17-23, odd, Stiles and Smith's Addition), and is for the future paving of Everett Avenue.

The lot split will allow for the creation of four additional lots zoned TF-3, Two-family Residential District. This Agreement assures the City of Wichita that this property will be included in the paving improvements and that the owners have waived their right to protest said paving improvement.

The Agreement will be recorded with the Register of Deeds.

Motion--      Mayans moved that the Agreement be approved and the necessary signatures authorized.  
--carried      Motion carried 7 to 0.

**VAC2006-00002      VAC2006-00002-REQUEST TO VACATE A PLATTED DRAINAGE AND UTILITY EASEMENT, GENERALLY LOCATED SOUTHEAST OF THE US HIGHWAY 54 AND 151ST STREET WEST INTERSECTION. (DISTRICT V)**

Agenda Report No. 06-0334

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant is requesting consideration to vacate the platted 20-foot drainage and utility easement that runs parallel to the south lot line of the site in Lot 1, Block 1, Range Industrial Addition. There are no franchised utilities, manholes, sewer or water lines in the platted easement. The applicant has an approved drainage plan for the site, as required for obtaining a building permit. The Range Industrial Addition was recorded with the Register of Deeds on February 18, 1999.

The MAPC voted (9-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--      Mayans moved that the Vacation Order be approved and the necessary signatures authorized.  
--carried      Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 28, 2006

PAGE 410

VAC2006-00003

**VAC2006-00003-REQUEST TO VACATE A PORTION OF MULTIPLE PLATTED UTILITY EASEMENTS, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF CENTRAL AVENUE AND ROCK ROAD. (DISTRICT II)**

Agenda Report No. 06-0335

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant proposes to vacate portions of platted 10-foot water easements and portions of platted 20-foot utility easements. There are manholes, sewer and water lines in most of the easements. The applicant proposes to relocate the utilities and protect them with easements dedicated by separate instrument(s). The platted 70-foot building setback line that appears to run parallel to one of the proposed vacated 10-foot water easements will remain in effect. The site is part of Community Unit Plan DP-41. The Rockwood Center 2nd Addition was recorded with the Register of Deeds on September 8, 2004.

The MAPC voted (9-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order and easements dedicated by separate instrument will be recorded with the Register of Deeds.

Provide petitions guaranteeing the relocation of utilities.

Motion--  
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

VAC2006-00004

**VAC2006-00004-REQUEST TO VACATE A PORTION OF A PLATTED STREET RIGHT-OF-WAY AND A PLATTED SETBACK, GENERALLY LOCATED EAST OF SENECA STREET BETWEEN 51ST STREET SOUTH AND HAZEL AVENUE. (DISTRICT IV)**

Agenda Report No. 06-0336

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant is requesting vacation of the 178.6-foot long by 30-foot wide portion of the platted half-street right-of-way (ROW) of Osage Avenue, as dedicated in the Hankins 2nd Addition. Osage does not extend north of this site, ending against established single-family residences. There are no utilities, manholes, sewer or water lines in this portion of the platted Osage ROW. In comments taken from SUB2004-90 (the Belton Addition, recorded with the Register of Deeds on February 10, 2005) report, item "C" states that this portion of Osage should be vacated. There is a platted 30-foot street side setback that runs parallel to the proposed vacated ROW, located on Lot 11, Hankins 2nd Addition. This is the applicant's lot, and he would also like to vacate this setback. This platted setback will be replaced with the Unified Zoning Code's interior side yard setback for the site's "SF-5" Single-family Residential zoning. The Hankins 2nd Addition was recorded with the Register of Deeds on April 5, 1951.

The MAPC voted (13-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 28, 2006

PAGE 411

A certified copy of the Vacation Order, a setback dedicated by separate instrument and a restrictive covenant will be recorded with the Register of Deeds

Motion--  
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

**A06-10R**

**A06-10R-REQUESTED BY STEPHEN G. MILLER, OF JBC INVESTMENTS, INC. TO ANNEX LAND GENERALLY LOCATED EAST OF 127TH STREET EAST, BETWEEN HARRY AND KELLOGG. (DISTRICT II)**

Agenda Report No. 06-0337

The City has received a request to annex 73.27 acres of land generally located east of 127th Street East, between Harry and Kellogg. The annexation area abuts the City of Wichita to the north, west and south. The property owner anticipates that the proposed property will be developed with approximately 36 single-family residential units. A plat is currently being reviewed, which is known as the Bellechase Addition.

**Land Use and Zoning:** The proposed annexation consists of approximately 73.27 acres of property currently zoned "SF-20" Single-Family Residential, which upon annexation will convert to "SF-5" Single-Family Residential. Property directly to the north and west is zoned "SF-5" Single-Family Residential. The property to the west is primarily vacant, with a few residential units and is known as the Woodland Lakes Estates 3rd Addition. The property to the north has recently been annexed and platted, of which the developer anticipates that the property (Country Hollow Estates) will be developed in stages over the next 10 years. Property to the east of the subject property is zoned "SF-20" Single-Family Residential and is currently vacant. Property to the south of the subject property is zoned "SF-5" and "SF-20" Single-Family Residential and currently has a few residential units and/or farmsteads.

**Public Services:** A 12" water line is in 127th Street East along the west side the of the subject property. The nearest sewer line is a 36" interceptor along the drainage way in the properties to the south of the subject property.

**Street System:** The subject property borders 127th Street East to the west, which is a paved, two-lane road. The 2006 Transportation Improvement Program and the City of Wichita Capital Improvement Program (CIP) 2005-2014 have scheduled Harry to be reconstructed and widened, between Greenwich and 143rd Street East, which is south of the subject property. The Sedgwick County Capital Improvement Program 2006-2010 does not call for improvements near the proposed annexation site.

**Public Safety:** Fire services to this site can be provided by the City of Wichita within a nine (9) to ten (10) minute approximate response time from City Station No. 15, located at 7923 E. Lincoln. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 S. Edgemoor.

**Parks:** The WB Harrison Park, a 40.15-acre park, is located approximately 1 1/2 miles to the west of the subject property and contains 2 tennis courts, a softball diamond, a rugby field, a children's play area, a restroom, a paved jogging trail, a fishing pond, 2 benches and 12 picnic tables. According to the 1996 Parks and Open Space Master Plan, a potential future park site has been proposed at the site of the subject property. In addition, a pathway has been proposed that would run along the western edge of the subject property along 127th Street East.

**School District:** The annexation property is part of the Unified School District 259 (Wichita School District). Annexation will not change the school district.

**Comprehensive Plan:** The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area as shown in the Plan.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 28, 2006

PAGE 412

The current approximate appraised value of the proposed annexation lands, according to County records, is \$4,540 with a total assessed value of \$1,362. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$43 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that approximately 36 single-family residential units will be developed within the next two years. The total appraised value of this residential development after completion is estimated at \$7,200,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$26,004 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--  
--carried

Mayans moved that the annexation request be approved and the Ordinance placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. (A06-10)

## RECESS

The Council recessed into workshop at 10:00 a.m.

## RECONVENE

The City Council reconvened back into regular session at 10:30 a.m.

Motion--  
  
--carried

Mayans moved that the City Council recess into Executive Session at 10:35 a.m. to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation and legal advice and that the Council return from Executive Session no earlier than 10: 50 a.m. and reconvene in the First Floor Board Room of City Hall. Motion carried 7 to 0.

## RECONVENE

The City Council reconvened at 10:55 a.m. Mayor Mayans announced that no action was taken.

Motion--carried

Mayans moved at 10:55 a.m. to close the executive session. Motion carried 7 to 0.

Motion--carried

Mayans moved at 10:56 a.m. to close the regular meeting. Motion carried 7 to 0.

## ADJOURNMENT

The City Council meeting adjourned at 10:56 a.m.

Respectfully submitted,

Karen Sublett CMC  
City Clerk